

Docket No. 4987

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of Lindenberger et al.

Serial No. 09/786355

Filing date: March 14, 2001

Title: Tube, Use of a Plastic Bag and Process for Producing a Tube
Group Art Unit 1772 -- Examiner Patterson

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT

Sir:

Please amend claims 10 and 18 of this application as on the attached page.

This is a reply to the office action of February 24, 2003, in which claim 10 was rejected on formal grounds and claims 10 - 16 were rejected over prior art. Claims 17 - 18 were deemed to have been constructively non-elected, and were withdrawn from consideration.

Claim 10 has been amended in order to overcome the § 112 rejections. The examiner objected to the phrase "sealable outlet connection piece", so this element is now recited as an "outlet piece". Claim 18 has also be amended for clarity. We believe all the claims now presented clearly define the invention.

The withdrawal of claims 17 and 18 from consideration, on the ground that they were constructively non-elected, is respectfully traversed. The subject matter of claim 18, in particular, is identical to originally filed claim 9. The examiner had objected to the narrative style of that claim in the first Office Action, but had not raised any restriction requirement with respect to that claim and had in fact examined

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